IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Bail Appl..No. 6610 of 2006()

Crl.M.P. 3566/06 of the Court of Sessions, Palakkad
Crime No.263/06 of Kozhinjampara Police Station

PETITIONER/ACCUSED

MANOJ MATHEW, AGED 31 YEARS,
S/O. MATHEW, POOVATHINPRAYIL VEEDU,
AMBALAPPARA, OTTAPALAM.

BY ADV. SRI.K.ANAND

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
KOZHINJAMPARA POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.
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B.A.No.6610 of 2006
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Dated this the 30th day of November, 2006.

ORDER

Petitioner, who is the first accused in Crime No.263 of 2006 of Kozhinjampara Police Station for an offence punishable under Section 55(a) Abkari Act for allegedly having been found in possession of 11,900 litres of spirit in 340 cans on 1.10.2006, seeks bail.

2. Learned Public Prosecutor admitted that no charge sheet has so far been filed, even though the petitioner has completed 60 days detention in judicial custody. If so, by virtue of the proviso to Section 167 (1) Crl.P.C., the petitioner is entitled to default bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.1,00,000 (Rupees one lakh only) with two solvent sureties each for the like amount to the satisfaction of the Magistrate concerned and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

ess 30/11